

# Notice of Allowability

Application No.

10/773,632

Examiner

Katherine W. Mitchell

Applicant(s)

EOFF ET AL.

Art Unit

3677

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/10/2005.
2. ☒ The allowed claim(s) is/are 14, 16-20, 27 and 29-33.
3. ☒ The drawings filed on none are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other 7 and 8 are same document.

*Katherine Mitchell*  
AU 3677

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview/written response with Craig Roddy on 4/14/2005.

2. The application has been amended as follows:

**In the Claims:**

3. Claims 1-13, 15, 21-26, and 28 have been cancelled

**In the Specification:**

4. The abstract, line 2, "are disclosed" has been deleted.

5. The following is an examiner's statement of reasons for allowance:

The closest art of record is the translation of Spindler et al., WO 03/085013 A2, "Water-Soluble Copolymers Based on Olefinic Sulfonic Acids Method for the Production Thereof and Use of the Same", hereafter called Spindler, having a different inventor and assignee. The publication date of 10/16/2003, having a priority to 10 April 2002, predates the pending application's allowable subject matter.

Spindler has numerous examples of well cement compositions containing related compounds, and in some cases having at least one identical compound as claimed by applicant. However, Applicant has claimed a composition and the use of a composition wherein the composition has an exact makeup of specific compounds:

77.9 weight % of the calcium salt of 2-acrylamido-2-methyl propane sulfonic acid,  
8 weight % of the calcium salt of maleic acid,  
11 weight % of N-vinyl caprolactam,  
3 weight % of 4-hydroxybutyl vinyl ether and  
0.1 weight % of methylene bisacrylamide

such that the compounds, exact to 0.1% by weight, add up to 100%, thus allowing no variance in makeup,

6. No example or teaching has this makeup, in that at least 0.1 weight % of methylene bisacrylamide and 77.9 weight % of the calcium salt of 2-acrylamido-2-methyl propane sulfonic acid are never both present in a given composition. A review of a chemical abstract search of a related, patented case, having different weight percentages of the identical compounds but lacking methylene bisacrylamide, was reviewed and found no evidence of the specific <sup>composition</sup> ~~compound~~ now claimed.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Katherine W Mitchell  
Examiner  
Art Unit 3677

Kwm  
4/14/2005